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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/723,954 | 11/26/2003 | Heeren Pathak | VIGN1540-1 | 9409 |
| 44654 | 7590 | 08/29/2006 | EXAMINER | |
| SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705 | | | FERNANDEZ RIVAS, OMAR F | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 2129 | |

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|---------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/723,954 | PATHAK ET AL. |
| | Examiner | Art Unit |
| | Omar F. Fernández Rivas | 2129 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 June 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 June 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/7/2004.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT made by the Applicant entered on June 7, 2006.
2. The Office Action of April 13, 2006 is incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1, 2, 4, 7, 9, 10, 12, 14-18, 20-22 and 24 have been amended. Claims 1-25 are pending on this application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Croy (US Patent Application #09/832,323, referred to as **Croy**).

Claims 1 and 9

Croy anticipates a software product for dynamically applying content management rules (**Croy**: Abstract), comprising a set of computer instructions stored on a computer readable medium, executable by a computer processor to:

receive a user interaction based on a first set of content (**Croy**: page 1, par 11, L 1-17; page 1, par 5; page 5, par 53, L27-35; page 6, Claim 1, L3-21; EN: presenting a display or submission form to a user to input data is a first set of content);

determine an applicable content management rule to the user interaction based on a state of a rule condition (**Croy**: page 4, par 44, L 1-10; page 5, par 53, L28-38, Fig. 10; EN: determining if the data submitted complies with the rules is determining an applicable content management rule); and

execute said applicable content management rule to dynamically affect subsequent content to be viewed by the user (**Croy**: page 1, par 11, L1-17; page 5, par 53, L14-38, Fig. 10; EN: presenting a different display to the user if compliance with the rules is obtained).

Claims 2 and 10

Croy anticipates determining an applicable content management rule based on metadata associated with said rule condition (**Croy**: page 3, par 41, L 1-11; page 4, par 44, L1-10; page 5, par 50; page 5, par 53, L20-22; EN: the different data submitted by the user and the data needed by the rules is metadata. Determining if data complies with the rules is determining an applicable rule condition).

Claims 3 and 11

Croy anticipates the metadata is one of user metadata, content metadata, rule metadata or system metadata (**Croy**: page 4, par 44, L1-10; EN: content metadata).

Claims 4, 12 and 24

Croy anticipates the rule condition represents a metric and wherein the set of computer instructions are further executable by a computer processor to determine an applicable content management rule by comparing the metric to a goal (**Croy**: page 4, par 44, L 1-10; page 5, par 53, L27-38, Fig. 10; EN: the metric is the format of the data, the goal is that the data submitted complies with the required format).

Claims 5 and 13

Croy anticipates the rule condition is represented by an object accessible by the set of computer instructions (Croy: page 4, par 43; page 4 par 44 L 1-6; page 5, par 53, L20-22, Figs. 2-4 and 6; EN: the rules are stored in a database which is accessible by computer instructions).

Claims 6 and 14

Croy anticipates the computer instructions are further executable to make a call for the object to access the rule condition (Croy: page 5, par 53, L20-38, Fig. 10; EN: accessing the database).

Claims 7, 16 and 18

Croy anticipates the computer instructions are further executable to generate a second set of content responsive to the user interaction if an applicable content management rule to the user interaction is determined and generate a third set of content, which is distinct from the second set of content, if an applicable content management rule to the user interaction is not determined (Croy: page 5, par 53, L20-38; Fig. 10; EN: if the validation is positive (content management rule is determined) submit data and execute the transaction, if it is negative (content management rule is not determined) return an error message).

Claims 8 and 25

Croy anticipates the computer instructions are further executable to update the state of the rule condition (Croy: page 2, par 32, L9-11; Figs. 3-4; EN: refreshing the rules is updating).

Claims 15 and 22

Croy anticipates generating a second set of content (**Croy**: page 5, par 53, L20-26).

Claim 17

Croy anticipates receive a set of user interaction data based on a particular user's interaction with a first set of content (**Croy**: page 1, par 11, L 1-17; page 5, par 53, L27-35; page 6, Claim 1, L3-21); determine an applicable content management rule to the set of user interaction data based on metadata, wherein the metadata is associated with the content management rule (**Croy**: page 3, par 41, L 1-11; page 4, par 44, L1-10; page 5, par 50; page 5, par 53, L20-22; EN: the data submitted is metadata and determining if it complies with the rules is determining an applicable content management rule); and if an applicable content management rule is determined, execute a first action specified in the rule to the set of user interaction data to affect subsequent content to be viewed by said user (**Croy**: page 1, par 11, L1-17; page 5, par 53, L14-38, Fig. 10; EN: if the data complies with the rules, a different display is presented to the user).

Claim 19

Croy anticipates the first set of content, second set of content and third set of content comprise web site content (**Croy**: page 1, par 10; page 5, par 53, L26-38; Figs. 5, 7-8 and 10).

Claim 20

Croy anticipates compare a trigger in the user interaction data to criteria in the content management rule (**Croy**: page 4, par 44, L 1-10; page 5, par 53, L27-38, Fig.

10; EN: the trigger is the format in the data input by the user); and if the trigger meets the criteria, executing a second action defined in the content management rule (**Croy**: page 5, par 53, L14-38, Fig. 10).

Claim 21

Croy anticipates the second action further comprises sending a notification to an administrator (**Croy**: page 3, pars 38-39; page 4, par 45, L1-4; page 5, par 53, L20-38; EN: the display is an administrative tool, the user is an administrator. The second action is the error message given to the user).

Claim 22

Croy anticipates the second action comprises generating new content for presentation to the user (**Croy**: page 1, par 11, L1-17; page 5, par 53, L26-38; Fig. 10).

Claim 23

Croy anticipates the metadata represents a metric associated with a business process (**Croy**: page 1, par 5; page 4, par 44, L1-10).

Response to Applicant's arguments***Claim Rejections - 35 USC § 101***

5. In light of the amendments made, the rejection under 35 USC § 101 have been withdrawn.

Claim Rejections - 35 USC § 102

6. The Applicant's arguments regarding the rejections under 35 USC § 102 have been fully considered but are not persuasive.

In reference to Applicant's arguments:

In contrast, Croy appears to disclose methods and systems for executing electronic transactions. The rules with which the invention of Croy is concerned pertain to validating data received from a user via a web-page user interface. For example, paragraph [0044] of Croy recites, "[f]or example, if a form on the web site requires name, zip code, and phone in a format, the rules can check submitted data to ensure that it is properly formatted for submission". The rules appear to provide a way of pre-validating data as to data format for submission to a destination web site where a transaction will occur (see, e.g., Croy, paragraphs [0044] - [0046]). In other words, Croy's rules are not content management rules and the execution of Croy's rules does not seem to directly dictate or affect subsequent content to be viewed by the user, as recited in Claims 1, 9, and 17. At least for the foregoing reason, Croy is submitted to be distinguishable from Claims 1, 9, and 17 under 35 U.S.C. § 102. Claims 2-8, 10-16, and 18-25 depend from Claims 1, 9, and 17, respectively, and are therefore patentably distinct from Croy for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Examiner's response:

Croy discloses a method that receives data from a user and depending on compliance with a rule, a display is presented to a user (Croy: page 1, par 11, L1-17; page 5, par 53, L9-38). This is consistent with the definition of content management rules provided in the specification of the present application on paragraph 6 where it states: "Content management applications determine which

content is displayed on a web page. Some current content management systems use simple rules based approaches. In a rules based approach, a rule defines a set of criteria and one or more actions to be taken based on whether or not the criteria are met. A rule is executed when a particular predefined trigger is received. Triggers can be arbitrarily defined based on interactions of a user with a web site". Thus, when given the broadest reasonable interpretation to the definition given in the specification, the method of Croy discloses rules that can be considered content management rules.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

8. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be

reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandez.rivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

Thursday, August 24, 2006

ofr

David Vincent
DAVID VINCENT
SUPERVISORY PATENT EXAMINER